United Nations A/65/PV.88

General Assembly

Sixty-fifth session

Official Records

88th plenary meeting
Tuesday, 3 May 2011, 10 a.m.
New York

President: Mr. Deiss ..... (Switzerland)

In the absence of the President, Mr. Tanin (Afghanistan), Vice-President, took the Chair.

The meeting was called to order at 10.50 a.m.

Agenda item 133 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/65/691/Add.10)

The Acting President: I should like, in keeping with established practice, to draw the attention of the General Assembly to document A/65/691/Add.10, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in document A/65/691/Add.9, Kyrgyzstan has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter. May I take it that the General Assembly duly takes note of the information contained in that document?

It was so decided.

Agenda item 15 (*continued*)

Culture of peace

Draft resolution (A/65/L.72)

The Acting President: Members will recall that, at its 32nd and 33rd plenary meetings on 18 October 2010, the Assembly considered agenda item 15 in a joint debate with agenda item 14, entitled "Global Agenda for Dialogue among Civilizations", and that, at its 34th plenary meeting on 21 October and its 52nd and 68th plenary meetings, on 23 November and 16 December, the General Assembly adopted resolutions 65/5, 65/11 and 65/138, respectively.

I now give the floor to the representative of Paraguay to introduce draft resolution A/65/L.72.

Mr. Dos Santos (Paraguay) (*spoke in Spanish*): It is an honour and a privilege for the Republic of Paraguay to introduce draft resolution A/65/L.72, entitled "International Day of Friendship", under agenda item 15, "Culture of peace". The draft resolution enjoys the sponsorship of many Member States that represent the most diverse cultures and traditions of all regions of the world. We wish to extend our gratitude and appreciation to them all for their support.

Through the draft resolution, which was agreed in open, transparent and inclusive informal consultations, we wish to make a further declaration in support of peace and a decisive contribution to the noble aim of the United Nations and its Members by achieving broad and deep understanding among the various cultures.

Our delegation would like to share the reasons that led us to promote this initiative and why we believe it important to observe an International Day of Friendship. More then 50 years ago, in a small town in Paraguay called Puerto Pinasco, situated far from the capital, a group of residents developed the idea of celebrating a day devoted to friendship and decided to make 30 July that day.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Commemorating that special day went from Puerto Pinasco to other towns and cities until, very soon the tradition spread throughout the entire country, highlighting values such as solidarity, reconciliation and understanding and making friendship a way of life for Paraguayan society. That celebration was so beneficial that it prompted the wish of the people and Government of my country to share the positive experience with all States Members of the United Nations.

We believe in the goals of the International Day of Friendship, which, in short, are, first, well-deserved international recognition of the relevance and importance of that noble sentiment in the lives of millions of human beings in order to promote dialogue among people, culture and countries; and, secondly, but no less important, to complement and contribute to the efforts already undertaken by the United Nations to promote a culture of peace.

For humankind, unique in its origin and diverse in its cultural expression, dialogue is the only way to seek peace and to overcome the injustice and violence that demean it.

For those reasons, the delegation of Paraguay fervently calls for appropriate support for the adoption of the draft resolution.

The Acting President: The Assembly will now take a decision on draft resolution A/65/L.72, entitled "International Day of Friendship".

I give the floor to the representative of Secretariat.

Mr. Zhang Saijin (Department for General Assembly and Conference Management): I should like to announce that, since the submission of draft resolution A/65/L.72, in addition to those delegations listed in the document, the following countries have become sponsors of the draft resolution: Bangladesh, Bosnia and Herzegovina, the Czech Republic, Haiti, Kyrgyzstan, Mauritania, Montenegro, Morocco, the Republic of Korea, San Marino, Saudi Arabia and Ukraine.

The Acting President: May I take it that the General Assembly decides to adopt draft resolution A/65/L.72?

Draft resolution A/65/L.72 was adopted (resolution 65/275).

The Acting President: I now give the floor to the representative of Brazil, who wishes to make a statement following the adoption of resolution 65/275.

Mrs. Viotti (Brazil) (*spoke in Spanish*): I would like to take advantage of this opportunity to congratulate the Mission of Paraguay and all the sponsors of resolution 65/275, which establishes 30 July as the International Day of Friendship.

In that regard, I would like to point out that Brazil attributes great importance to the dawn of an international culture of peace, friendship and democracy, to which we are firmly committed. Similarly, we fully support efforts undertaken by the United Nations system, regional organizations and Member States to implement programmes of action that promote peaceful coexistence and the ideals of friendship and mutual understanding.

Brazil is a nation with a large multicultural and ethnically diverse population that has managed to build a society based on the principles of conviviality and mutual cooperation. We firmly acknowledge such ideals, examples of which are harmony and stability in relations with our neighbours. Because of the special meaning of peace and friendship for Brazil, we will continue to support initiatives undertaken within the framework of the United Nations to strengthen international relations in their multicultural and human dimensions.

We therefore welcome the initiative to designate 30 July as the International Day of Friendship, convinced that its celebration will promote universal values of coexistence and cooperation.

The Acting President: The General Assembly has thus concluded the present stage of its consideration of agenda item 15.

Agenda item 120 (*continued*)

Strengthening of the United Nations system

Draft resolution A/65/L.64/Rev.1

The Acting President: Members will recall that the Assembly considered this item in a joint debate with agenda items 13 and 115 at its 52nd plenary meeting on 23 November 2010. Under this item, at its 60th plenary meeting, the Assembly adopted resolution 65/94.

I now give the floor to the representative of Hungary to introduce draft resolution A/65/L.64/Rev.1.

Mr. Kőrösi (Hungary): It is an honour for me to appear before the General Assembly today to introduce, on behalf of the members of the European Union (EU), the draft resolution on the participation of the European Union in the work of the United Nations, contained in document A/65/L.64/Rev.1. I would like in particular to thank the High Representative of the European Union for Foreign Affairs and Security Policy for being here today at a moment of great significance for the European Union.

As my colleagues will recall, the member States of the European Union brought this issue to the attention of the General Assembly last September. At that time, the General Assembly concluded that more time was required to give consideration to all requests. Following that decision, the European Union and its member States launched a further phase of consultations to reach out to all of the United Nations membership through informal consultations of the whole, meetings with regional groups and bilateral encounters.

The process of consultations continued until the last moment, including last night. Today, I have the pleasure to announce that, on the basis of those very extensive consultations with, among others, the Caribbean Community, the members of the European Union wish to introduce an oral revision to the text, which we believe could lead to a decision by consensus on the draft resolution.

The changes concern only the annex. In that connection, paragraph 1 (b) of the annex would read as follows:

> "Invited to participate in the general debate of the General Assembly, in accordance with the order of precedence as established in the practice for participating observers and the level of representation".

Paragraph 1 (d) of the annex would read as follows:

> "Permitted to present proposals and amendments orally as agreed by the Member States of the European Union; such proposals and amendments shall be put to a vote only at the request of a Member State".

Paragraph 1 (e) of the annex would be deleted.

The current paragraph 1 (f) of the annex would then become paragraph 1 (e) and read as follows:

> "Allowed to exercise the right of reply regarding positions of the European Union as decided by the presiding officer; such right of reply shall be restricted to one intervention per item".

Finally, paragraph 3 of the annex would read as follows:

> "The representatives of the European Union shall not have the right to vote, nor to co-sponsor resolutions or decisions, nor to put forward candidates".

For ease of reference, we have distributed copies of those changes to all delegations in the Hall.

The changes I have just described qualify further the capacity for action of the European Union at the United Nations, reflected in the modalities. In no way do they increase this capacity for action. They are fully respectful of the intergovernmental nature of the United Nations. The member States of the European Union are grateful to all those who have engaged with them in the discussions in order to work towards the adoption by consensus of the draft resolution, as orally revised.

I would like to confirm here and now that this final text is a product of a joint effort by a very broad spectrum of the United Nations membership.

The essence of the draft resolution is to allow the representative of the European Union to intervene on behalf of its 27 member States among representatives of other major groups and to enable them to contribute effectively to the work of the United Nations. The text now before the Assembly, as orally revised, provides assurances that concepts are clear, the language is simple and it responds to concerns expressed in the course of consultations.

Among other things, we have sought to address the following questions. First, the text ensures respect for the intergovernmental nature of the United Nations. As we have agreed from the outset, the United Nations is, and should remain, an organization of States. The European Union will remain an observer in the General Assembly.

Secondly, the text ensures that the modalities granted to the European Union will not negatively affect the capacity of individual States Members of United Nations to address the General Assembly. The goal of the draft resolution is to provide a more orderly framework for the coordinated action of EU member States at the United Nations. The outcome would be that, in general, the number of interventions from EU member States would be diminished and more space would be freed up for delegations from other regions.

Thirdly, the draft resolution also addresses the request by many United Nations Members that other regional organizations be granted modalities such as those sought by the EU. The text explicitly acknowledges that possibility in cases where an organization's member States have agreed arrangements that allow that organization's representative to speak on behalf of the organization and its member States. The General Assembly would have to decide on each case on the basis of explicit requests from the member States of the organization concerned.

Fourthly, we have also acted on the request from several General Assembly members to remove references to the Lisbon Treaty. The focus of the draft resolution before the Assembly is squarely on the United Nations.

The European Union is firmly convinced that the answers to the challenges we face, not only as the international community but also as representatives of the millions of people sharing the limited resources of our planet, can be found only through effective and fair multilateralism. The United Nations is at the core of the system of global governance. The European Union wishes to bring its full weight to bear in supporting and strengthening it.

Let me conclude by thanking once again the representatives of all States Members of the United Nations for their constructive engagement in the negotiation of this draft resolution, and I respectfully ask for their support for the adoption by consensus of the draft as revised orally by me.

The Acting President: We shall now proceed to consider draft resolution A/65/L.64/Rev.1, as orally revised.

I give the floor to the representative of the Secretariat.

Mr. Zhang Saijin (Department of General Assembly and Conference Management): In connection with draft resolution A/65/L.64/Rev.1, entitled "Participation of the European Union in the work of the United Nations", as orally revised, I wish to put on record the following statements of financial implications on behalf of the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraph 2 of the draft resolution, the Assembly would decide to adopt the modalities set out in the annex to the draft resolution for the participation of the representatives of the European Union, in its capacity as observer, in the sessions and work of the General Assembly and its committees and working groups, in international meetings and conferences convened under the auspices of the Assembly and in United Nations conferences.

In accordance with the modalities set out in the annex to the draft resolution, the representatives of the European Union, in order to present positions of the European Union and its member States as agreed by them, shall be allowed to be inscribed on the list of speakers with the priority equivalent that is given to the representatives of major groups in order to make interventions; invited to participate in the general debate of the Assembly; permitted to have its communications relating to the sessions and work of the General Assembly and to the sessions and work of all international meetings and conferences convened under the auspices of the Assembly and of United Nations conferences circulated directly, and without intermediary, as documents of the Assembly, meeting or conference; permitted to make proposals and submit amendments; and allowed to exercise the right of reply.

The representative of the European Union shall be ensured seating among the observers and shall not have the right to vote or put forward candidates. Further, a precursory explanation or recall of the present draft resolution will be made only once by the President of the General Assembly at the start of each session. It is noted that the representatives of the European Union will continue to be seated in the observers' area of the General Assembly, where they are currently seated. It is estimated that additional requirements amounting to $10,000 would arise under section 28D, "Office of Central Support Services", for the installation of the necessary representative units, including sound engineering work.

Although provision has not been made in the programme budget for the biennium 2010-2011 for such alterations of the General Assembly Hall, the Secretariat will seek to identify areas from which the anticipated additional requirements of $10,000 could be redeployed within the provisions approved for section 28D for the biennium 2010-2011.

Accordingly, should the General Assembly adopt draft resolution A/65/L.64/Rev.1, as orally revised, no additional appropriations would be required under the programme budget for the biennium 2010-2011.

The Acting President: Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Bethel (Bahamas): I have the honour to speak on behalf of the 14 States members of the Caribbean Community (CARICOM).

On 14 September 2010, the General Assembly had before it a draft resolution (A/64/L.67) of an unprecedented nature submitted by the European Union (see A/64/PV.122). The draft resolution effectively would have created a new category of non-State observer with a unique complement of rights and privileges. At that time, CARICOM expressed its concern that more time should be allowed for the draft resolution to be further considered in open, transparent and inclusive negotiations of the whole before decisive action could be taken.

While that time was afforded, albeit by force of vote, negotiations of the whole were not. CARICOM thus engaged in good faith with our counterparts in the European Union, articulating always that the parameters for the conferral of any special privileges to a non-State observer remained the supremacy of the Charter and strict observance of the rules of procedure, as well as the established practices of the General Assembly.

We shared many of the concerns of other Member States that requested clarifications on, first, the speaking privileges being sought; secondly, the criteria that the draft resolution could be establishing for other regional integration movements; and thirdly, the value of the European Union draft resolution as a precedent for other non-State observers.

As small States, we specifically examined how the draft resolution could impact the negotiating dynamics for our countries. Could that lead to a marginalization of small States in the General Assembly and beyond? As our understanding evolved and some of our concerns were affirmed, we made proposals to improve the text, but never abandoned our preference for open, transparent and inclusive negotiations. Each step in our efforts was documented for the benefit of the wider membership.

Our principled approach has always been that a draft resolution of such magnitude and importance ought to be adopted by consensus, with sufficient time for careful consideration by the membership of the Organization and in keeping with the usual in-depth, transparent and inclusive exchange of views. Because of its possible implications, CARICOM has always maintained that the proposal now contained in A/65/L.64/Rev.1 deserves the fullest consideration, and has been adamant in its readiness to engage in consultations in a spirit of openness, friendship and mutual respect, mindful of the commitments derived from the African, Caribbean and Pacific States-European Union revised Cotonou Partnership Agreement and from the European Union-Latin America and Caribbean relationship for consultation on matters of mutual interest. Such open consultations are also established practice in this Organization.

Most importantly, the CARICOM representatives to the United Nations have been mandated by their heads of State and Government to be actively engaged in the consultative process, including with other Member States, with a view to contributing to the achievement of the broadest possible consensus on the EU draft resolution, and to ensure that the principles and practices that undergird the United Nations and its intergovernmental character are preserved. Accordingly, CARICOM has laboured long and hard in pursuit of those objectives and has held fast to those principles.

Today, we have before us a text much improved from the draft that was presented eight months ago. It is a text that confirms the intergovernmental nature of the United Nations, while allowing for reasonable changes to the participation of the European Union observer in the work of the General Assembly so as to enable the transition of the role of spokesperson from the EU rotating presidency to the EU observer. Allowing thus for that transition of spokesperson should in no way be interpreted as prejudicing the

primacy of Member States or the sovereign equality of all.

Notwithstanding the imperfections of the draft resolution, CARICOM can now consider the text, as orally revised, to be acceptable.

Mrs. Ogwu (Nigeria): Africa wishes to reiterate the inestimable value and, indeed, the critical importance of working towards consensus through negotiation as a vital tool of the General Assembly. We therefore acknowledge the perseverance that the European Union (EU) has demonstrated in negotiating with Member States and groups to finalize draft resolution A/65/L.64/Rev.1. We want to state that the African Group joins the consensus on the draft resolution. We congratulate the EU delegation and its spokesperson on this historic occasion. We look forward to similar events in the future, as Africa views the draft resolution as setting a precedent for other regional organizations.

Africa will remain engaged in the process of implementation of the draft resolution in all of its ramifications.

Mr. Osman (Sudan) (*spoke in Arabic*): The Arab Group has followed with great attention the discussions and negotiations connected to draft resolution A/65/L.64/Rev.1 before the Assembly today, concerning the participation of the European Union (EU) in the work of the United Nations. Indeed, from the outset, the Arab Group was a party to those negotiations, during which it expressed concerns that found their way into the final text of the draft resolution.

Accordingly, since the draft resolution has covered the concerns of the Arab Group, we believe that it will set a precedent enabling the League of Arab States and other regional organizations to enjoy the same rights and privileges set forth therein.

In conclusion, I also wish to express the appreciation of the Arab Group for the reaffirmation by the EU negotiators that, in the future, the EU will support requests made by any regional organization, including the League of Arab States.

Ms. Crossen (Nauru): I have the honour to read out this statement on behalf of Ambassador Moses, Permanent Representative of the Republic of Nauru to the United Nations, who is currently out of the country. Ambassador Moses regrets that she is unable to deliver this statement herself.

Draft resolution A/65/L.64/Rev.1 is important not just for the European Union (EU), but for all States Members of the United Nations, and particularly for the smallest of us. Nauru sees serious risks that the draft resolution will change the nature of the United Nations, to the detriment of small States, which do not enjoy the political and economic influence of large developed countries. We hope that this will not eventuate.

At the outset, let me state that Nauru will continue to value and welcome the contribution of EU States members of the United Nations, both in their individual capacity and when they speak as one through the EU rotating presidency. We also appreciate the contribution of the EU observer organization.

Nauru would also like to commend the members of the Caribbean Community for their tireless and constructive engagement with the EU, which has led to amendments to the draft resolution. However, we wish to put on record a number of our remaining concerns with the draft resolution.

First, while not our primary concern, there are unresolved legal issues in relation to the draft resolution, which we hope will not cause further difficulties in the future. We of course understand that the EU considers that the draft resolution has no legal issues and is consistent with the Charter of the United Nations and the rules of procedure, and that the Office of Legal Affairs supports that position. We respect the opinion of the EU on that matter, but we do not share it.

To provide one example, under the rules of procedure of the General Assembly, only Member States may be accorded the right of reply. Therefore, there appears to be an inconsistency with the rules of procedure to grant an observer the right of reply. While the Holy See and Palestine have both been granted the right of reply by resolutions of the General Assembly, these cases are clearly distinguishable. The Holy See is a non-Member State; Palestine is a non-Member entity. In contrast, the EU is an intergovernmental organization made up of member States. The EU is a completely different type of observer from the Holy See and Palestine and a completely different type of legal entity. In the light of these differences, we regret that the EU placed considerable weight in its advocacy

on drawing analogies with the rights granted to the Holy See and Palestine.

In our view, granting an observer organization the right of reply could be interpreted as rewriting the rules of procedure in an ad hoc manner, without any consideration of the judiciousness of an unplanned approach to the rules of procedure. My delegation is uncomfortable with this. We do not consider it a prudent way for this body to conduct its business.

The second area of concern is protecting the intergovernmental nature of the United Nations. We see granting an observer that is an intergovernmental organization rights that are exercised by States as potentially undermining this important principle. Simply asserting in the preambular paragraphs that this is not the case cannot change the reality. This is deeply troubling to Nauru, and we trust that all Member States will actively ensure that the intergovernmental nature of the United Nations is not undermined by the adoption of the draft resolution.

The third area of concern is safeguarding the sovereign equality of all Member States, as provided for in Article 2 of the Charter. With respect, it eludes us how the EU does not understand Nauru's concern that the adoption of the draft resolution would have an impact on this fundamental principle. Please allow me to once again explain by focusing on the general debate.

In the general debate of the General Assembly, the representative of every Member State is entitled to speak, yet only two observers — the Holy See and Palestine — are invited to speak. Pursuant to the draft resolution, in addition to the right of every EU member State to speak, additional time would be permitted to a representative of the EU observer organization to speak and put forward the agreed views of the 27 members of the EU, whose representatives would already have already spoken.

For Nauru, this can only be characterized as granting the EU a twenty-eighth voice in the general debate — an additional voice to reinforce the views that its members have already expressed and an additional voice that all other countries not members of the EU would not enjoy. We see this as privileging 27 countries above all other countries.

For small States such as Nauru, this is a major concern, given our modest ability to influence international affairs that have profound implications for our country. The discussions that we have in this house are already dominated by the issues of concern to countries with greater influence. The adoption of the draft resolution would risk further entrenching this position, and again we trust that all States will actively work towards preventing the erosion of the equality of voice of Member States.

The fourth area of concern is the precedent-setting nature of the draft resolution. The draft resolution contemplates granting additional rights to other regional organizations that are observers in relation to their participation in the United Nations. The only proviso is that the regional organization has agreed arrangements that allow that its representative to speak on behalf of the organization and its member States. Nauru would have preferred to have had a thorough discussion of the issues that may arise and the appropriate principles to apply in relation to consideration of other observer organizations seeking additional rights.

The final matter I wish to raise is the process that has led up to today. Nauru had joined other countries in calling for open and inclusive negotiations on the draft resolution, in line with standard practice. This would have enabled all delegations to both put forward proposals and to consider the proposals of others, in the interest of reaching consensus and addressing the concerns of all Member States.

If we analyse the various iterations of the draft resolution following the process adopted by the EU, we do not see substantive changes that reflect an understanding of our concerns, as articulated by us in written statements at both consultations. The revised draft resolutions released by the EU provided more clarity, but the substance of the operative paragraphs did not change.

In closing, we would like to reiterate that this is an important draft resolution, as it governs how we conduct ourselves, and its ramifications will endure.

Mr. Chipaziwa (Zimbabwe): I would commence by referring to paragraph 1 of draft resolution A/65/L.64/Rev.1 presented by the European Union, which states very clearly that "the General Assembly is an intergovernmental body whose membership is limited to States that are Members of the United Nations". The draft resolution, instead of strengthening the United Nations system, threatens to undermine it,

however stealthily. This delegation objects to the creation of a new category of observer.

We humbly submit the following oral amendment to sub-paragraph (e) of paragraph 1 of the annex, as orally amended by the European Union (EU). Currently, it reads that they should be allowed to exercise the right of reply regarding positions of the EU as decided by the presiding officer. What we are proposing is that "presiding officer" be struck and replaced by "in accordance with rule of procedure 73".

If we, as the General Assembly, value our own rules of procedure, it will be seen clearly that, in according the right of reply to an observer and non-member of the General Assembly, we would be in violation of our own rules of procedure. Therefore, it is our considered view that the draft resolution is a rude violation of rule 73.

My delegation is also very grateful to the European Union for the consultations it conducted in its various representations throughout this process. My delegation cannot and will not minimize the contribution of the European Union to the United Nations system. However, we find it not possible to join the requested consensus in favour of the submitted draft resolution.

Mr. Khazaee (Islamic Republic of Iran): In September 2010, the Islamic Republic of Iran was among those delegations that supported the motion to defer action on draft resolution A/64/L.67, entitled "Participation of the European Union in the work of the United Nations", in order to allow the general membership to reach a consensus text through open and inclusive consultation on the draft resolution and its ramifications for the overall integrity and functioning of the United Nations. Our main concern, which was shared by many other delegations, was that the draft resolution would undermine the intergovernmental nature of the United Nations by granting to an observer certain rights and privileges that are attributed to States. That would have institutional, legal and political implications both for the Organization and for individual Member States. In other words, the issue at stake was the integrity and functioning of the United Nations as an intergovernmental organization, which could not be taken lightly.

Now, after a few months of extensive negotiations and consultations, we are happy to see that our main concerns have been addressed in the orally revised text. This has been achieved as a result of a compromise between the European Union and those many delegations that had persistently expressed their concern with regard to the legal and institutional implications of the draft resolution for the integrity of the United Nations and its intergovernmental nature, as well as for the individual sovereign Member States. Therefore, in the light of the foregoing, the delegation of the Islamic Republic of Iran has, in principle, no objection to draft resolution A/65/L.64/Rev.1, as orally revised today.

I would, however, like to add that we share the concern raised by the delegation of Zimbabwe with regard to the new paragraph 1 (e) of the annex, as orally revised, and we support the necessary amendment to ensure that the modality sought for in this paragraph would not contradict rule 73 of the rules of procedure.

The Acting President: The representative of Zimbabwe has submitted an oral amendment to draft resolution A/65/L.64/Rev.1, as orally revised. In accordance with rule 90 of the rules of procedure, the Assembly shall first take a decision on the oral amendment submitted by the representative of Zimbabwe.

May I take it that the Assembly agrees to the adoption of the oral amendment?

I call on the representative of Hungary to speak on a point of order.

Mr. Körösi (Hungary): As I have already had the pleasure of underlining that the essence of the draft resolution A/65/L.64/Rev.1 is to allow the observer of the European Union to intervene on behalf of its 27 member States, among representatives of other major groups, to enable them to contribute effectively to the work of the United Nations, the European Union does not and will not seek membership of the General Assembly. The modalities foreseen in the draft resolution are in accordance with the rules of procedure and the Charter.

The right of reply is an essential tool of debate, including in high-level meetings, and is a corollary of the right to speak. As stated in the draft resolution, this right would be exercised only when the positions of the European Union have been questioned.

The rules of procedure make no reference to observers. However, the General Assembly has the sovereign right to rule and grant modalities to observers, as it has already done twice before. This possibility of the right of reply without limitation has been granted to two other observers. I also remind the Assembly that the rules of procedure and the Charter of the United Nations do not make legal distinctions among observers.

The European Union has been granted the possibility of exercising the right of reply in the Commission on Sustainable Development. Thus, the phenomenon that a representative — even that of the European Union — enjoying the right of reply in different bodies of the United Nations is not alien to the practice.

Last but not least, the document before us represents a very delicate balance and the result of joint work of a very broad spectrum of the membership. Their contribution was a collective effort. We think it should be honoured, and we are very grateful to all Member States that contributed to this joint effort. We thank all Member States and all groups that expressed support for our proposal. Therefore, the European Union Member States will vote against the oral amendment presented by the representative of Zimbabwe and respectfully asks all those delegations that support the European Union's draft resolution to join its members in voting no.

The Acting President: Since there is no agreement, we shall take a decision on the oral amendment. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Cuba, Iran (Islamic Republic of), Nicaragua, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe

Against:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Yemen

Abstaining:

Belarus, Belize, Benin, Burundi, Chad, Djibouti, Ecuador, Equatorial Guinea, Grenada, Guyana, Kenya, Malaysia, Namibia, Nigeria, Philippines, Saint Vincent and the Grenadines, South Africa, Togo, Uganda, Zambia

The oral amendment was rejected by 142 votes to 6, with 20 abstentions.

The Acting President: The Assembly will now take a decision on draft resolution A/65/L.64/Rev.1, entitled "Participation of the European Union in the work of the United Nations", as orally revised. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain,

Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia

Against:

None

Abstaining:

Syrian Arab Republic, Zimbabwe

Draft resolution A/65/L.64/Rev.1, as orally revised, was adopted by 180 votes to none, with 2 abstentions (resolution 65/276).

The Acting President: Before giving the floor to speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Bethel (Bahamas): I speak again on behalf of the countries of the Caribbean Community (CARICOM) to present our understanding of how resolution 65/276, just adopted, should be interpreted.

In the operative part of the resolution on the intergovernmental nature of the General Assembly, paragraph 1 contains a reaffirmation of the intergovernmental nature of the General Assembly and the explicit statement that "membership is limited to States that are Members of the United Nations". CARICOM interprets that paragraph as a clear recognition of the priority of Member States over the European Union observer in all activities of the United Nations. CARICOM understands this paragraph as a standing limitation on the European Union observer that prohibits encroachment on the rights and prerogatives of Member States and constrains the European Union to enjoy only those rights that are specifically and explicitly delineated in the resolution.

With regard to the ability of other regional organizations to obtain similar status, paragraph 3 is understood by CARICOM as allowing other regional organizations to obtain rights and privileges identical to those set forth in the annex to the resolution. The conferral of identical rights is not dependent on a duplication of the European Union's modalities of integration, nor is it premised on the achievement of any perceived level of integration. As long as the members of an organization allow the representatives of that organization to speak on their behalf on any matter, that organization may avail itself of an identical set of rights and privileges. However, no other organization can attempt to claim rights and privileges beyond those enumerated in the annex, as CARICOM understands such rights to be the absolute maximum that a non-State can enjoy in the United Nations.

CARICOM notes that in the annex to the resolution, on the matter of speaking among representatives of major groups, the Secretariat's description of this privilege is at variance with our understanding. CARICOM understands the right of the European Union to speak among representatives of major groups, as set out in paragraph 1(a) of the annex, to mean that, in regular plenary meetings of the General Assembly, the European Union will be allowed to make interventions prior to individual member States on the speakers' list while not taking priority over other major groups that are represented by States Members of the United Nations. The accepted priority of States over observers will dictate that, in a speakers' list containing multiple major groups, the European Union will not be able to speak prior to any major group represented by a full State Member of the United Nations.

With regard to participation in the general debate, the resolution invites the European Union to participate in the general debate of the Assembly subject to three limitations: first, the order of precedence; secondly, the practice for participating observers; and thirdly, the level of representation.

The order of precedence speaks to the fact that Member States enjoy priority over observers when speaking in the general debate. The practice for participating observers is a reflection of established practice in the general debate, where a precedent has been set for the speaking slots typically available to observers and the fact that such practice, once established, can be disturbed only in exceptional circumstances.

The level of representation is a reflection of the established rules of protocol whereby heads of State, heads of Government, ministers and heads of delegation are arranged according to their respective protocolary rank. CARICOM's interpretation of paragraph 1(b) of the annex to the resolution is that the Secretariat must take each of these three factors into account when determining at what time and on what date the European Union will be invited to address the general debate.

With respect to the level of representation, CARICOM interprets the seventh preambular paragraph as containing an exhaustive list, in order of rank, of the two individuals who may represent the European Union at the general debate, namely, the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy.

On the matter of the presentation of proposals and amendments, paragraph 1(d) of the annex to the resolution limits the European Union to making only oral proposals and amendments. As such, the European Union cannot make written proposals or amendments under any circumstances. The paragraph also proscribes the European Union from being able to put proposals and amendments to a vote. This limitation is entirely consistent with the fact that the European Union itself lacks the ability to vote and that, as a non-State, it should not be in a position to force Member States to conduct votes on any item. CARICOM interprets paragraph 1(d) of the annex in tandem with rule 78 of the rules of procedure of the General Assembly, which sets forth the procedure for submitting and voting on proposals and amendments. As such, for an oral proposal of the European Union to be voted upon, it must first be adopted and reproduced in written form by a Member State and circulated to all delegations not later than the day preceding the meeting.

On the right of reply, the unfettered right of reply as contemplated by rule 73 of the rules of procedure of the General Assembly is a right enjoyed only by States Members of the United Nations, as the rule states. The right of reply extended to the European Union is more circumscribed. Where decision 34/401 on the rationalization of the procedures and organization of the General Assembly defines the exercise of the right of reply as allowing two interventions per item, the European Union will be allowed only one intervention. Similarly, CARICOM understands that the presiding officer will strictly construe the opportunities for the European Union to exercise this circumscribed right and will extend it only in cases that clearly reflect explicitly stated collective positions of the European Union.

On the rights not enjoyed by the European Union, CARICOM understands and accepts this resolution as containing the full and exhaustive list of rights conferred by the General Assembly on the European Union. Without an enabling resolution, observer entities, particularly non-State observers with no path to full membership in the United Nations, enjoy no rights beyond the ability to attend and observe meetings at the United Nations. Accordingly, such

resolution must be strictly construed in the light of the General Assembly's status as an intergovernmental body of States with sovereign equality. Unless a right is clearly and explicitly delineated in this resolution, it cannot be enjoyed by the European Union nor inferred by any presiding officer. Accordingly, CARICOM interprets this resolution as excluding the following rights, inter alia, of Member States: first, the right to raise points of order, in accordance with rule 71; secondly, the right to move any procedural motion, including, but not limited to, the right to (a) move adjournment of debate, rule 74; (b) move closure of debate, rule 75; (c) move suspension or adjournment of the meeting, rule 76; and (d) move that parts of a proposal or amendment be voted on separately, rule 89; and thirdly, the right to challenge any decisions of a presiding officer of a meeting is likewise not allowed.

This is CARICOM's understanding of how the resolution just adopted should be interpreted.

Mr. Nishida (Japan): Japan voted in favour of the draft resolution on the participation of the European Union in the work of the United Nations. Japan welcomes the development of the European Union under the Treaty of Lisbon, as Japan and the European Union are global partners that jointly engage on global issues.

Japan believes that the resolution must be implemented in the spirit of, and in accordance with, the provisions of the Charter of the United Nations, with the consent of Member States and while genuinely taking into account the fact that the United Nations is an organization comprised of equally sovereign Member States.

Mr. Núñez Mosquera (Cuba) (*spoke in Spanish*): The Cuban delegation wishes to briefly explain its position on resolution 65/276, which has just been adopted. Although I shall not go into detail about the underlying substance of the resolution, I will make some necessary clarifications.

In spite of the motion for postponement that had been made in respect of the resolution at the Assembly's previous session, the consideration of the motion was in fact limited to a few meetings in which Member States could express their views in general statements. That was evidenced by what happened this morning. The concerns expressed by States and the amendment proposed by the delegation of Zimbabwe are valid, and we must be consistent.

The provisions of paragraph 1 (e) of the resolution's annex are inconsistent with rules of procedure of the General Assembly, which in rule 73 establish that once the list of speakers has been closed only a member may be accorded the right of reply. With a view to preventing negative precedents and future difficulties, we would have preferred to have been given more time to hold consultations in order to reach consensus on this important issue.

Ms. Zainul Abidin (Malaysia): Malaysia welcomes the hard work of, and effort expended by, all delegations in reaching the current stage in the discussions on resolution 65/276. In September 2010, when the initial draft resolution (A/64/L.67) was first presented (see A/64/PV.122), Malaysia joined other delegations in requesting more time for us to look into its ramifications.

The resolution sets a precedent within the United Nations system; whether it is good or bad remains to be seen. However, we understand that change is necessary in this international world of ours if we want to remain relevant. The fact that the resolution can potentially pave the way for other regional organizations can only mean that change is brewing.

Today, we are heartened by the fact that the commitment of delegations resulted in a hammering-out of the key sticking points of the resolution. The resolution is not perfect, but it is something that can be lived with, in the spirit of compromise. It was because of that compromise and my delegation's respect for the delegations involved in the late-night negotiations that Malaysia voted in favour of the resolution.

Mr. Argüello (Argentina) (*spoke in Spanish*): Argentina supported the adoption of the draft resolution proposed by the 27 Members of the United Nations that are members of the European Union (resolution 65/276). We did so in particular in the light of the oral revisions made to the text during this meeting, which made it possible to achieve broad support among Members of the Organization. That consensus and support are essential to the implementation of a decision of such calibre.

In that regard, we wish to expressly recognize the efforts made by all members of the Assembly to reach this important agreement.

Clearly, the prerogatives granted to the representatives of the European Union will be

exercised in accordance with the Charter of the United Nations and the General Assembly's rules of procedure.

Finally, Argentina wishes to place on record that it understands that the resolution does not set a precedent for other cases.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): My delegation would like to acknowledge the work of the European Union in reaching agreement on resolution 65/276. In addition, my delegation would like to thank the countries of the Caribbean Community for their efforts to ensure that the text reflected the concerns of countries that are not among their members.

In our view, the resolution could have been debated in greater detail by the Member States. We believe that the resolution still contains elements that will compromise the future work of the United Nations, in particular aspects related to the Organization's intergovernmental nature. We share some of the concerns raised this morning by the delegation of Nauru.

Finally, we wish to place on record that our delegation has made observations specifically on paragraph 1 (e) of the resolution's annex, while we support the other provisions of the resolution, as they represent the culmination of arduous discussions and dialogue.

We, like some other delegations, believe that the language of that paragraph could be misinterpreted. In that regard, rule 73 of the rules of procedure of the General Assembly seems to us quite clear in setting out that the President may accord the right of reply to any member. We therefore interpret the paragraph as meaning that the President can accord the right of reply only to a Member State, not to an observer.

The Acting President: We have heard the last speaker in explanation of vote.

I now give the floor to the Observer of the Holy See.

Archbishop Chullikatt (Holy See): At the outset, I would like thank delegations for their active participation in the discussions on resolution 65/276. Through the cooperation of various Member States, observers and other regional bodies, the resolution was continually improved throughout the various rounds of negotiations so as to ensure proper respect for rights under the Charter of the United Nations and the rights of Member States and observers. In that regard, I would also like to thank the delegation of the European Union for its constructive engagement in acknowledging and respecting the rights of observers of the General Assembly in the resolution.

The practice of non-Member State participation in the work of the United Nations is one that dates back to shortly after the creation of the United Nations. It is a practice that has encouraged and fostered greater participation by States in the work of the United Nations. The role of observer States not only provides a means of ensuring that this body is truly representative of the people, but also has marked the first step towards greater participation in the United Nations by many of the member States of the European Union.

It is therefore important that, when considering new requests for participation by intergovernmental organizations, due respect is not only given to the General Assembly membership and the United Nations Charter but also, as is done in the resolution just adopted, to the rights accorded to observer States and entities. My delegation therefore welcomes this recognition in the resolution.

The Acting President: I now give the floor to the representative of Hungary.

Mr. Körösi (Hungary): I have asked for the opportunity to speak because of a statement by a Member State in the Hall.

The European Union (EU) member States are grateful for the support of all Member States and participating observers. Due to the contribution they have made over the past weeks and months, the text of resolution 65/276, which has just been adopted, is very clear. Its implementation should be carried out very precisely, according to its text and respectful of the practice of the United Nations. It is not for us, or for anybody else, to provide unilateral interpretation. That would not be helpful for the clarity of the work of this body.

The EU believes in the transparency and the constructive approach that led to the overwhelming support for the adoption of the resolution.

The Acting President: In view of the decision just taken by the Assembly with regard to the

participation of the European Union in the work of the United Nations, I have been informed that Lady Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, has requested the floor. As there is no objection to that request, I now give her the floor.

Lady Catherine Ashton (European Union): I will be very brief. I simply want to take the opportunity to thank all delegations for the extraordinary efforts that they have made to help get this resolution (resolution 65/276) into the best possible shape. I have had the privilege, in the past 24 hours, of meeting with many of them, and they have been extremely generous in giving me their thoughts, their ideas and, most important, their support.

I hold the United Nations very dear. I believe in its role. I believe in the collaboration between the European Union and the United Nations. And I have made it part of my remit to ensure that the European Union works as closely as possible with the United Nations as we seek to rise to the challenges that we face across the world. I pledge, through this resolution, that what the Assembly will hear is a clearer voice to the United Nations from the European Union, but one that is also extremely and absolutely respectful of the United Nations in every possible way.

As I began, I would like to express an enormous thank you to all those who have contributed to and supported this effort, as well as to everyone who has participated in this debate.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 120.

The meeting rose at 12.25 p.m.